

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents
United States Patent and Trademark
Office
Box PCT
Washington, D.C.20231
ÉTATS-UNIS D'AMÉRIQUE

in its capacity as elected Office

Date of mailing (day/month/year)

17 February 2000 (17.02.00)

International application No.

PCT/IB99/01028

Applicant's or agent's file reference

CM1829/VB

International filing date (day/month/year)

04 June 1999 (04.06.99)

Priority date (day/month/year)

15 June 1998 (15.06.98)

Applicant

CUNNINGHAM, Philip, Andrew et al

1. The designated Office is hereby notified of its election made:



in the demand filed with the International Preliminary Examining Authority on:

27 December 1999 (27.12.99)



in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was

was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

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Authorized officer

Jean-Marc Vivet

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INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference CM1829/VB	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/IB 99/ 01028	International filing date (day/month/year) 04/06/1999	(Earliest) Priority Date (day/month/year) 15/06/1998
Applicant THE PROCTER & GAMBLE COMPANY et al.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.



the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :



contained in the international application in written form.



filed together with the international application in computer readable form.



furnished subsequently to this Authority in written form.



furnished subsequently to this Authority in computer readable form.



the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.



the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,



the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,



the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.



as suggested by the applicant.



because the applicant failed to suggest a figure.



because this figure better characterizes the invention.



None of the figures.

INTERNATIONAL SEARCH REPORT

National Application No

PCT/IB 99/01028

A. CLASSIFICATION OF SUBJECT MATTER

IPC 6 A61K7/46 C11D3/50 C11D17/00 C11D3/22

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 6 A61K C11D

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 5 500 138 A (BACON DENNIS R ET AL) 19 March 1996 (1996-03-19) * perfume A of column 28 lines 1 to 12 * claims 1,8; examples I,III,V,X ---	1-3,12, 13
A	WO 97 06235 A (PROCTER & GAMBLE ;VELAZQUEZ JOSE MARIA (MX)) 20 February 1997 (1997-02-20) claim 1; examples ---	1,8-10, 12,13
A	US 3 971 852 A (BRENNER JOSEPH ET AL) 27 July 1976 (1976-07-27) column 5, line 3 - line 35; examples 3,9-11 examples 3,9-11 column 17, line 10 - line 31 claims 1-9 --- -/--	1,4-9, 12,13

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

* Special categories of cited documents :

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

2 August 1999

Date of mailing of the international search report

11/08/1999

Name and mailing address of the ISA

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Authorized officer

Loiselet-Taisne, S

INTERNATIONAL SEARCH REPORT

International Application No

PCT/IB 99/01028

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	<p>US 5 354 559 A (MOREHOUSE ALPHA L) 11 October 1994 (1994-10-11) claims 1,3,5; examples 2,3,6-8 -----</p>	1,4-7

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/IB 99/01028

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 5500138	A	19-03-1996	AU 3832195 A	15-05-1996
			BR 9509410 A	03-11-1998
			CN 1169157 A	31-12-1997
			CZ 9701164 A	12-11-1997
			EP 0787176 A	06-08-1997
			JP 10507793 T	28-07-1998
			WO 9612785 A	02-05-1996

WO 9706235	A	20-02-1997	BR 9609985 A	12-01-1999
			CA 2228966 A	20-02-1997
			EP 0843719 A	27-05-1998

US 3971852	A	27-07-1976	AU 6998674 A	11-12-1975
			CA 1049335 A	27-02-1979
			CH 620135 A	14-11-1980
			DE 2426389 A	23-01-1975
			FR 2233095 A	10-01-1975
			GB 1464616 A	16-02-1977
			IT 1019651 B	30-11-1977
			JP 1214147 C	27-06-1984
			JP 50035072 A	03-04-1975
			JP 58043138 B	24-09-1983
			NL 7407788 A, B,	16-12-1974

US 5354559	A	11-10-1994	US 5720978 A	24-02-1998
			CA 2034639 A	30-11-1991

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference CM1829/VB	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/IB99/01028	International filing date (day/month/year) 04/06/1999	Priority date (day/month/year) 15/06/1998
International Patent Classification (IPC) or national classification and IPC A61K7/46		
Applicant THE PROCTER & GAMBLE COMPANY et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 7 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand 27/12/1999	Date of completion of this report 31.07.2000
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Coquelin, J Telephone No. +49 89 2399 8495 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/IB99/01028

I. Basis of the report

1. This report has been drawn on the basis of (*substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

Description, pages:

1-74 as originally filed

Claims, No.:

1-13 as originally filed

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

4. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	
	No:	Claims	1-13
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1-13
Industrial applicability (IA)	Yes:	Claims	1-13
	No:	Claims	

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/IB99/01028

2. Citations and explanations

see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/IB99/01028

Item V, novelty and inventive step

1. The following documents are being considered:

D1 = US-A-5500138 (P&G)
D2 = WO-A-97/06235 (P&G)
D3 = US-A-3971852 (Polak's Frutal Works)
D4 = US-A-5354559 (Grain Processing Corp.).

2. Taking due account of the observations made under Item VIII thereafter with respect to the clarity of the claims, it can be said that the present claims do not define subject matter which is novel and involves an inventive step. Indeed D1 discloses a perfume composition satisfying explicitly or implicitly all the features of claim 1. The additional features specified in claims 2-7, all dependent on claim 1, are not considered to be such as to enable the acknowledgement of an inventive step. Same apparently must be concluded with respect to the laundry and cleaning composition of claims 8-11 and to the method of delivering perfume residually on surfaces as defined in claims 12-13.
3. D1 discloses in particular on column 28, lines 1-12, a five-equal-parts five-component composition designated "perfume A" wherein the four components listed first have a boiling point under atmospheric pressure bp higher than 275°C and a value ClogP higher than 4.0, the composition thus satisfying condition b) in present claim 1. In perfume A, the fifth component is present in a proportion of 20 wt%, has a bp of 191°C and a ClogP of 3.517, it thus satisfies condition a) in present claim 1. D1 is silent with respect to the value of any odour detection threshold "ODT" which may be associated with and determined for the respective component groups a) and b) as identified herein. However, it would apparently suffice for "perfume A", component group b) to satisfy this criteria that only one component within "perfume A", group b) has a very low ODT value. Such low values are not unusual in the art of perfumes, as can be seen from D2 where it is said on page 2, middle, that the ODT preferably should be even much lower, namely less than 0.1 ppb. It is thus assumed for the time being and in the absence of evidence to the contrary that both component groups a) and b) of "perfume A", as identified herein, do have ODT less than 50 as required by the present claim 1.

4. The proportions within D1, "perfume A", anticipate claims 2 and 3 as well. Claims 4-7, which specify the encapsulation cannot contribute any inventive step. Indeed, D1 already discusses encapsulation in its discussion of the prior art and it would have been obvious for a skilled person to reinforce the effects of the improved perfume composition thanks to well known encapsulation techniques. See D3 and D4, the former being identified as a family member (GB 1464616 A) on pages 11 and 14 of the present description.
5. D1 is not concerned with a "laundry and cleaning composition", rather with a fabric softener, more specifically a so-called "rinse-added softening composition". Fabric softeners may also be present in laundry or cleaning compositions, making thus the introduction of perfumed softeners as disclosed in D1 into such laundry and cleaning compositions obvious. Finally, the method defined in claims 12 and 13 is anticipated by D1 for the very same reasons already explained with respect to claim 1 and because the softening composition disclosed in D1 will upon use, of necessity, have delivered "perfume residuality" to the surface of any fabric so treated.

Item VII, certain defects

1. Claim 11 is presumably meant to refer back to any one of claims 8-10. Referring back to claim 7 which is not yet concerned with laundry is probably an error. Claim 12 should read: "comprises the step of contacting..."
2. Page 4, line 9, read: "two classes". Page 6, line 12, read: "°C".
3. Page 7, lines 6 and 7 do not make use of consistent terminology (allyl = 2-propenyl).; line 7 from the bottom, read: "6-secondary-butyl"; page 8, line 3, read: "methyl 2-nonylnonate"? Line 3 from the bottom of the table: "Cis-3-hexenyl salicylate".
4. Page 13, third full paragraph, read: "...dextrinised and mixed with..."? Page 26, line 11, read: "morpholino".
5. Page 14, lines 3 and 7, please, note that "inches" and "microns" are no proper SI units respectively SI unit notation and that the values should be expressed e.g. in "cm" and respectively "µm", the original values being kept between parentheses

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/IB99/01028

placed after the replacement expressions. See also page/line 16/16-17, 17/14-15, 21/3, 64/bottom (read: "kg/l") and 66/bottom ("KN/cm²" to be converted into pascals noted "Pa" or a multiple thereof).

6. Page 43, lines 16, 18 and 22, please correct to read: "Polyvinylimidazole" and respectively: "polyvinylpyrrolidone".
7. Page 44, last two lines and page 45, top, please correct lay-out so that the indicated examples and actives do not feature in the left column. Page 61, read: "Monoethanolamine" without any separation. Page 63, place correctly the closing parentheses in the third column from the left side of the table. Page 72, third line from the bottom, read: "*Polyquaternium-7".

Item VIII, certain obscurities

1. It is not certain at present that the expression "high impact accord" is common and clear enough for it to contribute a clear definition of the ingredients which should be present in the perfume composition of claim 1, neither is it clear that "class 1" and "class 2" are well established classes of such ingredients.
2. Simply preferred or simply illustrative embodiments within a claim have no limiting effect on the definition of said claim and should preferably be left out. They of course may be made the subject matter of (further) dependent claims. See present claims 2, 3, 5, 7 (preferably, such as), 11 and 13.
3. Claim 6 and claim 9 are not proper in that they define process features instead of the resulting structures which are generally "obtainable" by means of the cited process feature. A process feature will not necessarily confer novelty and/or inventive step to the product claim wherein it is recited.
4. The incorporation "by reference" of the teaching of any cited document is considered to tend to expand the description, support of the claims, in an indeterminate manner and should be deleted. See e.g. page 4, last line, page 17, top, 24, middle, 25, top, 27, middle, 28, top and 29, middle.

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/IB99/01028

5. Throughout the description, the expressions "about" (especially in connection with ranges or indicating an upper or lower value), "etc", "and the like" tend to expand in an indeterminate manner the definitions or illustrative lists to which they relate. They should be deleted. See in particular pages 32, 34, 35, 37 and 44.